

Silver Creek Township Planning Commission
Monthly Meeting
12/17/2014

Meeting called to order by Tom Lehrer @ 7:00

The pledge was lead by Tom Lehrerí ..

Roll Call: Mike Glynn, Tom Lehrer, Walt Lehman, Terry Harris, Jerry Donley (via phone), Dave Grabemeyer, and William Zuhl

Also in attendance: Steve Czadzeck from Lakeshore Environmental Inc., Attorney John Magyar, and Jennifer Stockwell

Members of the public several

A motion was made by Bill Zuhl to approve the meeting agenda. It was supported by Mike Glynn. With the correction on #13, should say öscheduledö instead of öschooledö

Motion carried by a unanimous voice vote.

A motion was made to approve the meeting minutes from November 19, 2014 by Dave Grabemeyer it was supported by Tom Lehrer.

Motion carried by a unanimous voice vote.

Communications: Yes ö Walt Lehman read the email that was sent to the Commission from Families of the Magician Lake Access. Tom Lehrer gave some insight as to why he thought the Commission received this email. John Magyar thought the families were concerned about 5.11 of the boating ordinance. Walt Lehman gave more history of the sight the families are referring. Walt Lehman will respond to the email.

Public Comment: Bonnie Hague mentioned the time that was incorrectly posted on the minutes that were first posted on the Township Web Page. Jennifer Stockwell had already corrected the minutes before handing out at the Planning Commission meeting.

Mr. Kleva would like the communications between the lawyers added to the minutes. Steve responded to Mr. Kleva and the information he had received from Attorney Carey.

Steve received no emails from Attorney Carey until Monday 12/15/2014. He forwarded these emails to John Magyar to review.

The emails will be attached to the minutes.

Zoning Administrator's Report: None

Attorney's Report: Nothing at this time.

Unfinished Business:

Steve discussed 6.07 B ö completely delete out of the zoning ordinance it is in the boat ordinance.

6.07 C ö Come back to this.

6.07 H ö Keep #9 ö Steve would like to eliminate the limit on the # of boats on a hoist and keep the 400 square feet limit. If this is done 6.07 J #5 ö would be taken out. This is on permit piers. Tom Lehrer suggested leaving it the way it reads now. Mike Glynn asked for confirmation of how it would read.

6.04 E ö storage tanks ö Steve went over the email he sent to the Commission. Walt Lehman has researched this and would like to adopt what was suggested. Nothing changed on this proposed ordinance.

Dates of revision left in each ordinances or change the date of revisions to the entirety of the whole ordinance document. Tom Lehrer would like it changed in the entirety. Bill Zuhl would like them in for reference due to grandfather clauses. Dave also stated he uses those dates as a time table of changes. Steve do you keep old older ordinances as references? Tom Lehrer asked Steve will put those dates in each section back into the new ordnance book revision.

6.07 C ö the inclusion licensee and business invitee into this section. This was suggested so that the weed harvest be insured that it would have a place it could be parked. Steve stated that the Boat Ordinance should have covered this, but Attorney Carey still feels that this still should be covered in the Zoning Ordinance. John Magyar stated that the definition of öMoorageö in the Boat Ordinances should cover this. John then explained that if you put this definition in 6.02 H under permitted uses and take out the section that discusses ölicensee and business inviteesö. It will be stating the same thing in both the Boating and the Zoning Ordinances. Then rename in the Zoning Ordinance section 6.02 H permitted uses as Moored Watercraft. Steve read section 4.5 Moorage from the Boating Ordinances. Steve was asked to read what was in the Boating Ordinance by Mr. Kleva. After reading Mr. Kleve voiced his concern that he didn't think this would be acceptable to Attorney Carey. He also voiced that it needed be more specific to the weed harvester so that there was no room for misinterpretation. John Magyar stated that he thought Attorney Carey was ok with the verbiage in 4.5 of the Boating Ordinance but had been concerned with the verbiage in 6.07 C of the Zoning Ordinance. Steve Stated that in the email sent today from Attorney Carey looked like approved of 4.5, but Mr. Kleva didn't think that was right. He thinks that Attorney Carey only approved of the revisions that he had sent the Commission. Mr. Magyar read the email he thought Mr. Kleva was talking about. What Mr. Magyar read is what was sent to the Township in the Boating Ordinance. Steve will revise the Boating Ordinance and will update the Zoning Ordinance to match that verbiage.

Terry Harris had a question about a letter that was sent to the Commission on Monday, December 15, before this meeting about the Yacht Club. The second page of that email has a paragraph that Attorney Carey would like inserted into 6.07 L about the continuation of business by the Indian Lake Yacht Club. A comment was made by the public as to why they are concerned about this.

Tom Lehrer asked Steve to explain what has all just been discussed to change as far as changes. John explained that there have been no changes to the Boating Ordinance tonight that has been suggested to change the Zoning Ordinance to match the Boating Ordinance. Mike Glynn asked, "Which wording is the Commission actually approving?" What has already been sent to the Township Board or the new wording suggested by Attorney Carey? Attorney Carey's suggestion was not accepted earlier when it had been sent to the Commission. It was agreed that the main focus was to get the Boating Ordinance and the Zoning Ordinance to match.

It was recommended to take out 6.07 C and included as 6.02 H Moored Watercraft a Permitted use. Discussion followed. Tom Lehrer asked if this was opening the Township up to more than just weed harvesters. John Magyar stated that it was just being more consistency between the Zoning and Boating Ordinances. Mike Glynn questioned if there need to be a definition for "Moorage" in the Zoning Ordinances. Steve stated that it needed to be. Mike then asked if the verbiage needed to be in both places the definitions and also in permitted uses. John Magyar would like it spelled out in both places.

Discussion followed on in the inclusion of an environmental nuisance. Mr. Kleva said if left in that this will become an issue in the future. The Commission did not feel that they need to do what Attorney Carey suggested. Jerry Donley feels that this needs to be put to bed. More discussion followed between Commission members.

Steve read what his new suggestion of the verbiage for Boating and Zoning Ordinances which would add the sentence "Mooring of nonrecreational watercraft is allowed for so long as its use is reasonably necessary to complete the scope of any nonrecreational project, including season long projects."

6.02 H (would be) "Moorage (allowing moorage as a permitted use). Moorage of nonrecreational watercraft then be defined in the definitions.

John Magyar stated that this would not be voted on until the last draft has been received.

6.07 L "ok to keep as is" does not need to be changed. Discussion followed as to whether it needed to be changed and it was agreed that it was ok the way it is written. Mike Glynn asked the Mrs. Hague and another person what the concern was with this section of Ordinances. They thought with the rewriting of the Ordinances might affect the Yacht Club. They would like the word "Marina" added to this section so that they would have the status as a legal use. The Commission doesn't see why this needs to be changed.

Tom Lehrer asked Steve if he anything else. Steve went over the changes that he will be making. He will try to have all of the revisions made by the first week of January.

Mike Glynn doesn't have anything new on the Capital Improvements.

Public Comment: Mr. Kleva wanted to point out that he doesn't like that Attorney Carey's paragraph was revised. Tom Lehrer pointed out that there are six other lakes in the township and the Commission needs to take them all into consideration not just Indian Lake. Mr. Hague would like to thank the board for their service and time.

Commission Comments: Walt would like to thank Tom Lehrer for his role as Chair for the last year, other thanked him also. Jerry Donley told everyone Merry Christmas "Happy Holidays and God Bless. Bill Zuhl asked where the county was at on the Master Plan? Walt responded that the county is making up copies for the townships and that it has been adopted and the townships don't need to do anything else.

Next meeting will be Wednesday, January 28, 2015 @ 7:00 p.m.

William Zuhl made a motion to adjourn the meeting; it was supported by Mike Glynn. The meeting was adjourned at 9:00.

Minutes respectfully submitted by: Jennifer Stockwell